

# Agenda

## Item #12



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

April 19, 2007

Mr. Arthur H. Clement  
931 Hinckley Road  
Clinton, ME 04927

**BY REGULAR AND CERTIFIED MAIL**

Dear Mr. Clement:

RE: Late 42-Day Post-General Campaign Finance Report Due 12/19/2006.

You filed a 42-Day Post-General campaign finance report on 2/12/2007. A penalty must be assessed for late reports based on the amount of financial activity conducted during the filing period, the number of calendar days a report is filed late, and the candidate's filing record. Based on the prescribed statutory formula, the preliminary determination of the penalty for the late filing of your report would be \$2,224.75. Please refer to the enclosed penalty matrix for more details on how the penalty is computed. If you agree with this preliminary determination of the amount of the penalty, you may use the enclosed billing statement to pay that penalty.

If you have a reason for filing late, you may request the Commission to make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receipt of this notice, beginning on the day you sign its receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. If you request either a Commission determination or a waiver, it will be placed on the agenda for the May 14, 2007 since you are already scheduled to appear before the Commission on that date. You or a person you designate may then appear personally before the Commission or you may send a written statement for the Commission's consideration. A statement must be notarized and contain a full explanation of the reason you filed late. Statements should be sent to the address shown on this letterhead. The Commission will notify you of the disposition of your case within 10 days after its determination.

**NOTE:** The Commission may waive penalties for late reports only in cases where tardiness is due to mitigating circumstances. The law defines "mitigating circumstances" as: 1) a valid emergency determined by the Commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; 2) an error by the Commission staff; 3) failure to receive notice of the filing deadline; or (4) other circumstances determined by the Commission that warrant mitigation of the penalty, based upon relevant evidence presented that a *bona fide* effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service.

The Maine Clean Election Act requires all revenues distributed to certified candidates from the fund to be used for campaign-related purposes. Commission guidelines regarding permissible campaign-related expenditures do not include the payment of a penalty as a permissible expenditure.

Sincerely,

Sandy Thompson  
Candidate Registrar

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
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04333-0135

April 19, 2007

Mr. Arthur H. Clement  
931 Hinckley Road  
Clinton, ME 04927

The Commission staff has made a preliminary determination, based upon application of the statutory formula, that a penalty of \$2,224.75 applies for the late filing of your 42-Day Post-General campaign finance report. If you agree with this determination, please make your check or money order in that amount payable to "Treasurer, State of Maine," and send it, along with the bottom half of this letter, to the Commission on Governmental Ethics and Election Practices, 135 State House Station, Augusta, Maine 04333, within 30 days of the date noted above. Please see the instructions included in the attached letter if you would like the Commission to make a formal determination of any penalty to be assessed in this case.

Failure to pay the full amount of an assessed penalty is a civil violation. The Commission is required to report to the Attorney General the name of any person who fails to pay the full amount of any penalty. Please direct any questions you may have about this matter to Sandy Thompson at 287-7651.

Cut Along Dotted Line

For Office Use Only:  
Account: CGEEP  
Fund: 014 Approp: 02

To Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Mr. Arthur H. Clement

RE: Penalty for late filing of 42-Day Post-General Campaign Finance Report

Amount Enclosed: \$ \_\_\_\_\_

Check/M.O. No.: # \_\_\_\_\_

**Please Make Check or Money Order Payable to Treasurer, State of Maine**

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS

# COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

## PENALTY MATRIX FOR LATE CANDIDATE REPORT FILINGS

### BASIS FOR PENALTIES

#### 21-A M.R.S.A. Section 1020-A(4)

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 5:00 p.m. on the day the report is due.

Any penalty of less than \$5 is waived.

Example: The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500 Greater amount of the total contributions received or expenditures made during the filing period

X .01 Percent prescribed for first violation

\$25.00 One percent of total contributions

X 2 Number of calendar days late

\$50.00 Total penalty

#### Your penalty is calculated as follows:

Contributions/Expenditures: \$ \$1,348.27

Percent prescribed: 0.03

\$ \$40.45

Number of days late: X 55

Total penalty accrued: \$ \$2,224.75

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

**A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.**

### MAXIMUM PENALTIES

#### 21-A M.R.S.A. Section 1020-A(5)

\$5,000 for reports required to be filed 42 days before an election (gubernatorial candidate only), 6 days before an election, 42 days after an election, and for 48-hour reports;

\$1,000 for semiannual reports.

Revised 6/03

7005 3110 0000 2803 6952

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**OFFICIAL**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To Arthur Clement  
 Street, Apt. No.,  
 or PO Box No. 42-Post 6 Pen  
 City, State, ZIP+4

PS Form 3800, June 2002

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the envelope space provided.

1. Article Addressed to:

**MR. ARTHUR H. CLEMENT**  
**931 HINCKLEY ROAD**  
**CLINTON, ME 04927**

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature Arthur H. Clement ☐ Agent ☐ Addressee  
 B. Received by (Printed Name) ARTHUR H. CLEMENT  
 C. Date of Delivery APR 20 2007  
 D. Is delivery address different from item 1? ☐ Yes ☒ No  
 If YES, enter delivery address below:

## 3. Service Type USPS

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7005 3110 0000 2803 6952

Domestic Return Receipt

102595-02-M-1540



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

January 24, 2007

Mr. Arthur H. Clement  
931 Hinckley Road  
Clinton, ME 04927

**BY CERTIFIED AND REGULAR MAIL**

Dear Mr. Clement:

This is to follow up on the letters we have sent you over the past two months requesting that:

- you pay the penalty of \$51.17 for the late filing of your 6-Day Pre-General campaign finance report;
- you file your 42-Day Post General campaign finance report and;
- you return unspent MCEA funds found on line 6 of Schedule F, 42-Day Post General campaign finance report. Since the report is not filed, the unspent amount is unknown. Under the MCEA, you were required to return these funds at the time you filed your final campaign finance report that was due no later than December 19, 2006. (21-A M.R.S.A. §1125(12)).

Since the Commission did not receive payment of your penalty by January 15, 2007, it is tentatively scheduled for the February 14 meeting for referral to the Attorney General's office for collection. **If the Commission does not receive the payment of your penalty, the unspent MCEA funds and your filed campaign finance report by Monday, February 5, 2007, your name will be printed on the public agenda for the Ethics Commission's February 14, 2007 meeting for all three issues.**

Please telephone me at 287-4179 if you have any questions or I can help in any way.

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

1-24-2007

Sincerely,

Jonathan Wayne  
Executive Director

Sent to	Mr. Arthur Clement
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	Clinton, ME

PS Form 3800, June 2002 See Reverse for Instructions

D AT: 242 STATE STREET, AUGUSTA, MAINE  
ITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

FAX: (207) 287-6775

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent <i>Malcolm...</i>	
1. Article Addressed to: <i>Mr. Arthur H. Clement 931 Hinckley Road Clinton, ME 04927</i>		B. Received by (Print Name) <i>Malcolm...</i> C. Date of Delivery <i>JAN 30 2007</i> USPS	
2. Article Number (Transfer from service label)		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
ST		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7005 3110 0000 2803 6914	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

January 18, 2007

Arthur H. Clement  
931 Hinckley Road  
Clinton, ME 04927

**Re: Delinquent Campaign Finance Report – Due Dec 19, 2006**

Dear Mr. Clement:

The Ethics Commission has previously written to you regarding your failure to file a campaign finance report, as required under the Election Law. Failure to file a campaign finance report within 30 days of a filing deadline is a Class E Crime under 21-A M.R.S.A. §1020-A(8-A).

If you do not file your report prior to the Commission's meeting on February 14, 2007, the Commission staff will recommend to the Commission members that you be referred to the Maine State Attorney General's Office for possible criminal prosecution under 21-A M.R.S.A. §1020-A(8-A).

To stop this process, immediately submit the following reports:

- 42-Day Post-General Report

The Commission staff will send you five notices to alert you to your possible referral to the Attorney General, and the Commission staff will also contact you by telephone. The first notice will include a blank reporting form which you can use to file the report.

Please telephone me at 287-4709 regarding this matter, and inform me whether you will be filing the report or if you believe no report is required. Thank you.

Sincerely,

*Gavin O'Brien*

Gavin O'Brien  
Candidate Registrar

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To <i>Clement</i>	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	

T: 242 STATE STREET, AUGUSTA, MAINE  
E: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

FAX: (207) 287-6775



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<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul> <p>1. Article Addressed to:</p> <p>Arthur H. Clement 931 Hinckley Road Clinton, ME 04927</p>	<p>A. Signature X <i>Arthur H. Clement</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by: (Printed Name) <i>Arthur H. Clement</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, Enter delivery address below: <input type="checkbox"/> No</p> <p>JAN 26 2007</p> <p>3. Service Type <i>USPS</i> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article Number (Transfer from service label)	7005 3110 0000 2803 7355

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

December 21, 2006

Mr. Arthur H. Clement  
931 Hinckley Road  
Clinton, ME 04927

**Re: Delinquent Campaign Finance Report – Due December 19, 2006**

Dear Mr. Clement:

Our records show that you have not filed your 42-Day Post-General Report. State law [21-A M.R.S.A. § 1020-A] requires that a penalty be assessed for late reports based on the amount of financial activity conducted during the filing period, on the number of calendar days a report is filed late, and on the candidate's filing record. If you raised or spent money during the filing period, you could be subject to civil penalties, which are accruing on a daily basis. Once you have filed your report, our office will calculate the penalty using the enclosed penalty matrix, and will notify you of the amount of the penalty. **Therefore, we urge you to file your report as soon as possible.**

Sincerely,

*Gavin O'Brien*

Gavin O'Brien  
Candidate Registrar

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided) For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> <b>OFFICIAL USE</b>		te items 1, 2, and 3. Also complete Restricted Delivery if desired. Write your name and address on the reverse of this card to the back of the mailpiece, if space permits.	
Addressed to:  Arthur H. Clement Hinckley Road Clinton, ME 04927		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Postage \$ Certified Fee \$ Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Sent To Street, Apt. No., or PO Box No. City, State, ZIP+4		DEC 22 2006 7005 3110 0000 2803 6716 811, August 2001	

Welcome to the Public Campaign Finance Page for the State of Maine - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address: https://secure.mainecampaignfinance.com/MainePage2.asp

# MAINE

Welcome to the Campaign Finance Electronic Filing System Site

Menu Home Help Logout Change Password Admin Page

5/4/2007

Home Page for Arthur H. Clement

CAMPAIGN YEAR 2006

REPORT TYPE	REPORTING PERIOD	DUE DATE	DATE FILED	STATUS	LAST MODIFIED	
Candidate Registration			2/27/2006 12:06:13 PM	Filed	2/13/2007 1:49:05 PM	Print
Seed Money Report	11/3/2004 to 4/12/2006	4/18/2006	4/12/2006	Filed	4/12/2006	Print
6-Day Pre-Primary - MCEA Candidates	4/13/2006 to 6/1/2006	6/7/2006	6/19/2006	Filed		Print
42-Day Post-Primary	6/2/2006 to 7/18/2006	7/25/2006	7/24/2006	Filed	6/7/2006	Print
6-Day Pre-General	7/19/2006 to 10/26/2006	11/1/2006	11/13/2006 3:18:25 PM	Filed	11/19/2006 3:18:25 PM	Print
42-Day Post-General	10/27/2006 to 12/12/2006	12/19/2006	2/12/2007 8:46:25 AM	Filed	2/12/2007 8:46:25 AM	Print
24-Hr Report of Late Contributions and Expenditures		N/A	MULTIPLE			

Please click on the following buttons to Download schedule informations in excel format.

Download Contributions Download Expenditures Download Late Contributions

Done Internet

Late

ARTHUR H. CLEMENT

05/04/2007

CANDIDATE'S FULL NAME

Date Submitted

**SCHEDULE F  
SUMMARY SECTION  
(MAINE CLEAN ELECTION ACT CANDIDATES)**

<b>CASH ACTIVITY</b>		
	<b>TOTAL FOR THIS PERIOD</b>	<b>TOTAL FOR CAMPAIGN</b>
1. CASH BALANCE FROM LAST REPORT (if any)	4,640.02	
2. MAINE CLEAN ELECTION ACT Payments	+ 1,348.27	6,648.67
3. SALE OF CAMPAIGN PROPERTY (Schedule E, Part II)	+ 0.00	0.00
4. OTHER CASH RECEIPTS (interest, etc.)	+ 0.00	0.60
5. MINUS TOTAL EXPENDITURES (total of all Schedule B pages)	- 0.00	660.98
6. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 - 5)	= 5,988.29	
7. CASH NOT AUTHORIZED TO SPEND	0.00	
8. CASH AUTHORIZED TO SPEND (line 6 - 7)	5,988.29	

<b>OTHER ACTIVITY THIS REPORTING PERIOD</b>		
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)	0.00	

## Title 21-A, §1020-A, Failure to file on time

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**PLEASE NOTE:** The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

### §1020-A. Failure to file on time

**1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1. [1995, c. 483, §15 (new).]

**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §5 (amd).]
  - B. An error by the commission staff; [1999, c. 729, §5 (amd).]
  - C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (amd).]
  - D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service. [1999, c. 729, §5 (new).]
- [2003, c. 628, Pt. A, §3 (amd).]

**3. Municipal campaign finance reports.** Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty. [1995, c. 625, Pt. B, §5 (amd).]

**4. Basis for penalties.** [2001, c. 470, §7 (amd); T. 21-A, §1020-A, sub-§4 (rp).]

**4-A. Basis for penalties.** The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (new); §2 (aff).]